

Message Text

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TAGS: TSPA, PFOR, UN, BR, UR

SUBJ: OUTER SPACE LEGAL: REMOTE SENSING-BRAZILIAN VIEWS

1. IN INFORMAL DISCUSSION ON REMOTE SENSING WITH US DELOFF (STOWE) TO UN OUTER SPACE LEGAL SUBCOMMITTEE, BRAZILIAN REP SEIXAS CORREA MADE FOLLOWING OBSERVATIONS. (COMMENT: SEIXAS CORREA IS POLITICAL OFFICER AT BRAZILIAN MISSION TO UN IN NEW YORK WHO HAS BEEN CLOSELY FOLLOWING OUTER SPACE AFFAIRS FOR SEVERAL YEARS AND IS RAPPORTEUR OF THE OUTER SPACE COMMITTEE. HE HAS JUST BEEN REASSIGNED TO BRAZILIAN EMBASSY IN BUENOS AIRES AND WILL DEPART NEW YORK IN LATE JULY AFTER OUTER SPACE COMMITTEE SESSION).

2. ESSENTIAL CONCERN WHICH BRAZILIANS BELIEVE THEY SHARE WITH MANY OTHER STATES IS THAT FOREIGN COMPANIES OR STATES WILL BE BETTER ABLE TO INTERPRET REMOTE SENSING DATA THAN WOULD THE STATE WITHIN WHOSE TERRITORY PARTICULAR NATURAL RESOURCES WERE FOUND, AND HENCE COULD BARGAIN UNFAIRLY FOR RIGHTS TO EXPLORE FOR, EXTRACT OR EXPLOIT THOSE NATURAL RESOURCES. SEIXAS CORREA EXPRESSLY SAID NEITHER HE NOR MOST OTHERS IN BRAZIL SAW ANY THREAT TO SECURITY INTERESTS. THERE IS, HOWEVER, A
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STRONG FEELING THAT SIMPLE ACCESS BY EVERYONE

TO REMOTE SENDING DATA DOES NOT GIVE EQUAL PROTECTION TO ALL PARTIES BECAUSE OF GREAT DIFFERENCES IN INTERPRETIVE ABILITIES AND IN ABILITY TO PAY FOR SUCH INTERPRETATION BY OTHERS. IMPORTANCE OF INTERPRETATION IS CLEARLY RECOGNIZED AS BRAZIL ATTEMPTED TO POINT OUT IN ITS LEGAL SUBCOMMITTEE STATEMENT ON REMOTE SENSING. (NOTE: BRAZIL SUGGESTED IN THAT STATEMENT THAT SENSED STATES SHOULD HAVE A RIGHT TO OBTAIN ALL INTERPRETATIONS OF DATA ABOUT THEIR TERRITORY AS WELL AS THE RAW DATA).

3. SEIXAS CORREA, AFTER LENGTHY DISCUSSION, AGREED THAT CONTRARY TO CURRENT BRAZILIAN POSITION, REMOTE SENSING WAS IN FACT A LEGITIMATE ACTIVITY UNDER THE OUTER SPACE TREATY. IN THAT CASE, HOWEVER, THERE EXISTED A GREAT NEED TO MODIFY THE TREATY TO CONTROL THE USE OF DATA RELATING TO NATURAL RESOURCES. THE BRAZILIAN PROPOSAL, HE NOTED, WAS CAREFULLY DRAFTED TO EXTEND CONTROL ONLY OVER DATA RELATING TO NATURAL RESOURCES, NOT TO ANY OTHER FUNCTION OF REMOTE SENSING. US DELOFF SUGGESTED THAT INFORMATION ABOUT NATURAL RESOURCES WOULD BE OBTAINED FROM ANALYSIS OF MUCH OF THE SAME DATA THAT WOULD BE USED FOR OTHER PURPOSES, AND HENCE TO BAN DISTRIBUTION OF ONE WOULD MEAN RESTRICTION FOR ALL PURPOSES. SEIXAS CORREA RESPONDED THAT PERHAPS THE RESTRICTION SHOULD APPLY ONLY TO RIGHT TO INTERPRET DATA FOR INFORMATION RELATING TO NATURAL RESOURCES AND TO DISSEMINATION OF SUCH INTERPRETATIONS. HE CONCEDED THAT PRACTICAL ENFORCEMENT OF SUCH PROHIBITIONS WOULD BE RATHER DIFFICULT.

4. US DELOFF STRONGLY CRITICIZED CONCEPT ASSERTED BY BRAZIL AMONG OTHERS, THAT PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES INCLUDES RIGHT TO CONTROL DISSEMINATION AND USE OF ALL INFORMATION RELATING TO THOSE RESOURCES NO MATTER WHERE SUCH INFORMATION IS FOUND. BRAZILIAN REP REPLIED HE WAS SOMEWHAT AMUSED TO SEE CONCEPT APPEAR IN SOVIET-FRENCH DRAFT PRINCIPLES SUBMITTED TO LEGAL SUBCOMMITTEE. BRAZIL, HE SAID HAD SUGGESTED IDEA AT REMOTE SENSING WORKING GROUP IN FEBRUARY, PRINCIPALLY AS AN ATTENTION-GETTING DEVICE TO CONFIDENTIAL

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SENSITIZE AND ALERT OTHER DELS TO THE IMPORTANT ISSUES INVOLVED. BRAZIL IS DISAPPOINTED PARTICULARLY THAT THE NEW MEMBERS OF THE OUTER SPACE COMMITTEE HAVE NOT PLAYED A MORE ACTIVE ROLE. IN ANY CASE THE CONCEPT WAS NOT ONE BRAZIL WOULD PUSH.

5. SEIXAS CORREA ALSO MENTIONED THAT BRAZIL WAS COMING UNDER VERY INTENSIVE PRESSURE FROM THE SOVIETS AND

SOMEWHAT FROM THE FRENCH TO WORK OUT A COMMON TEXT AND TO PRESENT A COMMON FRONT ON REMOTE SENSING PRINCIPLES. SOVIETS, HE SAID, HAD INDICATED A WILLINGNESS IF NECESSARY TO GO ALONG WITH A MANDATORY TREATY FORMAT RATHER THAN JUST GUIDING PRINCIPLES. NEITHER HE NOR HIS COLLEAGUES WERE INCLINED AT THE MOMENT TO ATTEMPT TO REACH SUCH A COMMON TEXT. ON THE CONTRARY, THEY WERE UNDERTAKING SERIOUS DISCUSSIONS WITH ARGENTINA TO DEVELOP A COMMON TREATY TEXT WITH GOA AND WERE CONSIDERING WHETHER TO ATTEMPT TO GAIN A WIDE CROSS-SECTION OF CO-SPONSORS OR SIMPLY TO ATTEMPT TO ADD OTHER LATIN AMERICAN SPONSORS, INCLUDING PARTICULARLY MEXICO.

6. SEIXAS-CORREA ASSERTED THAT CONSIDERABLE DISCUSSION IS NOW GOING ON AMONG VARIOS LEGAL SUBCOMMITTEE DELS ABOUT INTRODUCING A SPECIFIC REMOTE SENSING ITEM IN THE GENERAL ASSEMBLY THIS FALL IN ORDER TO PUT PRESSURE ON US TO MOVE CLOSER TO GENERAL WORLD OPINION ON DISSEMINATION. NO DECISION HAS YET BEEN MADE, PRIMARILY BECAUSE ADVOCATES WERE UNSURE THEY COULD CARRY THE DAY. USG, HE ADDED, HAD BEEN MOST FAR-SIGHTED IN ADOPTING AN OPEN DATA DISTRIBUTION POLICY AND IN CONCLUDING MANY BILATERAL AGREEMENTS. SUCH A POLICY HAD GONE FAR TOWARD GIVING AN AURA OF LEGITIMACY OF USG'S OWN REMOTE SENSING ACTIVITIES BECAUSE SO MANY OTHERS WERE INVOLVED IN DIFFERENT WAYS.

7. SEIXAS-CORREA ADDED THAT HE DID NOT BELIEVE USG WOULD WANT TO RESIST STRONG INTERNATIONAL PRESSURE TO CONTROL DATA DISTRIBUTION. IF UNGA BY OVERWHELMING MAJORITY CALLED FOR PRIOR CONSENT BY SENSED STATES BEFORE DATA CONCERNING THEIR RESOURCES WAS DISTRIBUTED TO THIRD PARTIES, HE ESTIMATEE THAT USG WOULD CONFIDENTIAL

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BE MOST RELUCTANT TO SUSTAIN CIRITICISM THAT WOULD BE GENERATES BY CONTINUEDUSG OPEN DISTRIBUTION. IN ADDITION, IF USG CONTINUED TO MAKE ALL DATA AVAILABLE ON PRESENT TERMS, THEN GA WOULD QUITE LIKELY DECLARE EITHER SUCH DISSEMINATION OR PERHAPS EVEN REMOTE SENSING OF OTHERS' RESOURCES TO BE ILLEGAL. USG, HE SAID, JUST DOES NOT BEHAVE IN A WAY WHICH WOULD DEFY THE FEELING OF THE INTERNATIONAL COMMUNITY IF SO EXPRESSED, AND HENCE ALL WOULD BE BETTER OFF IF ALL CONCERNED WERE TO MOVE SOON TO AVOID SUCH A CONFRONTATION.

8. FINALLY, IN RESPONSE TO US DELOFF'S ASSERTATION THAT NEITHER BRAZIL NOR ANYONE ELSE COULD EXPECT THE US TO AGREE TO LIMITATIONS ON RIGHT TO OBSERVE FROM OUTER SPACE, SEIXAS CORREA STATED GPB DID NOT REALLY EXPECT

THAT PROVISION OF THEIR DRAFT TREATY TO BE ADOPTED. DALE

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